

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TERRY FABRICANT,

Plaintiff,

Case No. 23-cv-11111

Hon. Matthew F. Leitman

v.

DAVID ALLEN CAPITAL, INC.,

Defendant.

**ORDER GRANTING DEFENDANT’S REQUEST FOR AN EXTENSION
OF TIME TO HAVE COUNSEL FILE AN APPEARANCE (ECF No. 26)**

In this putative class action, Plaintiff Terry Fabricant alleges that Defendant David Allen Capital, Inc. (“DAC”) violated the Telephone Consumer Protection Act when DAC made pre-recorded telephone calls to Fabricant and others. (*See* Compl., ECF No. 1.) No counsel ever filed an appearance on DAC’s behalf. Accordingly, on November 5, 2024, the Court ordered DAC to “secure counsel” and “to have counsel file an Appearance on behalf of DAC by December 15, 2024.” (Order, ECF No. 25, PageID.116.)

On December 13, 2024, DAC’s apparent owner, David Rutz, submitted a letter to the Court in which he says that while DAC has retained counsel that is willing to appear on its behalf in this case, that counsel “ha[d] encountered unexpected administrative issues with the Court’s electronic filing system [that]

prevent[ed] him from formally entering his appearance on [DAC's] behalf.” (Req., ECF No. 26, PageID.118.) Rutz therefore asked the Court for “a 30-day extension to allow [DAC's] attorney sufficient time to [cure the administrative issues] and formally enter his appearance on [DAC's] behalf.” (*Id.*, PageID.119.)

The Court has carefully reviewed Rutz's request and concludes that one final, modest extension of time for DAC's counsel to cure the administrative issues and file an appearance on DAC's behalf is appropriate. Accordingly, DAC's attorney shall file his appearance on DAC's behalf by no later than **January 15, 2025**. The Court will not extend this date again. Once counsel files his appearance, the Court will schedule a status conference with counsel for both parties to discuss next steps in this action.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: December 17, 2024

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on December 17, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan
Case Manager
(313) 234-5126